

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JONATHAN N. WATERS,

Case No. 2:14-cv-1704

Plaintiff,

v.

Judge Graham

MICHAEL V. DRAKE, M.D., *et al.*,

Magistrate Judge Kemp

Defendants.

ORDER

This matter is before the Court on the Defendants' Motion to Stay Discovery (doc. 15).

The Defendants contend that discovery sought by the Plaintiff will be overly burdensome at this stage of litigation. In response, the Plaintiff asserts that his interest in ensuring the availability and reliability of important evidence and in the expedient resolution of the present case outweighs any burden on the Defendants.

"In ruling upon a motion for stay, a court weighs the burden of proceeding with discovery upon the party from whom discovery is sought against the hardship which would be worked by a denial of discovery." Ohio Bell Telephone Co., Inc. v. Global NAPs Ohio, Inc., No. 2:06-cv-0549, 2008 WL 641252, at *1 (S.D. Ohio Mar. 4, 2008). Having reviewed the Plaintiff's proposed discovery plan set forth in his Rule 26(f) Report (doc. 12), the Court agrees with the Defendants. While mindful of the Plaintiff's interest in a timely resolution of this dispute, the Court finds that a stay of discovery is appropriate pending the Court's ruling on the Defendants' Motion for Judgment on the Pleadings. See Bangas v. Potter, 145 F. App'x 139, 141 (6th Cir. 2005) (citing Hahn v. Star Bank, 190 F.3d 708, 719 (6th Cir. 1999)) ("District courts have broad discretion and power to limit or stay discovery until preliminary questions which may dispose of

the case are answered”); Gettings v. Bldg. Laborers Local 310 Fringe Benefits Fund, 349 F.3d 300, 304 (6th Cir. 2003) (internal citation and quotation marks omitted) (holding that a limitation of discovery may be appropriate where claims are subject to dismissal “based on legal determinations that could not have been altered by further discovery”).

For the foregoing reasons, the Court GRANTS the Defendants’ Motion to Stay Discovery (doc. 15).

IT IS SO ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: March 18, 2015